

Exhibit 5

[Plaintiff]

1 What grade was [Plaintiff] in when he
2 transitioned to homebound instruction?

3 A. Second grade.

4 Q. So, he was in second grade, and was it near the end
5 of the second grade year?

6 A. Summer or -- I mean, it was -- I'm trying to think.
7 When was it? I know the IEP was at Bonnie West's
8 office. I'm not sure when -- I'm not -- I just know
9 that we had multiple IEPs, and this was something
10 that was pitched at a -- by Bonnie West at an IEP.

11 Q. Okay. Thanks. So, I am going to take this.

12 After you had the conversation in the kitchen
13 with [Pla.] in March of 2019, you sent an e-mail to
14 Ms. Peele or a text message to Ms. Peele, correct?

15 A. Yes, ma'am.

16 Q. Okay.

17 A. I'm sorry, yes.

18 Q. Do you recall ever raising the issue again with Ms.
19 Peele?

20 A. In regards to [Student X]?

21 Q. Yes.

22 A. I mean, not in evidence. I mean, I don't have text
23 messages of it, but we spoke on the phone often. I
24 told her, literally, to keep that child away from my
25 son, that she knew he had a history of victim -- that

[Plaintiff]

1 he was a victim of sexual abuse, and that he had a
2 history of falling into that grooming stage of people
3 that were trying to get him to do things that he
4 didn't want to do.

5 **Q. Do you recall when that conversation was?**

6 Yeah. It was -- it was around the time -- it was
7 around the time of the text messages. I talked to
8 her in person. [Plaintiff] had a day that he was
9 sick and

10 he had to go home early or something, they said he
11 wasn't feeling well, and I went to the school and I
12 talked to her in person. I think that's also when I
13 found out that she was pregnant or that she was
14 carrying.
15 **Did you talk to anyone else at the school or with the
school regarding these concerns with [Student X]?**

16 **A.** I honestly can't remember. I'm not -- I, honestly,
17 can't remember. I -- honestly, I'm not sure. I
18 mean, Mr. Davis was a counselor there. He was --
19 he

20 was a guy that would come and spend time and see
21 [Pla.]. He would come to the Trilogy classroom a
22 couple times a week, but from my last -- from the
23 last understanding, he doesn't work there

Q. Mr. Davis?
anymore.

24 **A.** Yeah.

25 **Q. Do you remember his first name?**

[Plaintiff]

[1 that [Plaintiff] would not be returning for the
2 next school year; is that correct?

3 A. Yes, ma'am.

4 Q. Okay.

5 A. Do you want to know what the day treatment was? It
6 wasn't --

7 No, I do not, [S.G.]. If I did, I will ask you,
8 I promise.

9 A. Okay.

10 I will take that. Thank you.

11 [S.G.], I believe testimony earlier was
12 that you didn't recall whether you raised any issues
13 with [Stu. X] at the IEP meetings after the March 2019
14 text message; is that right?

15 A. I'm not sure.

16 Okay. Do you recall whether you expressed any
17 concerns with the increase in [Plaintiff]'s
18 attendance at school at the May 29th IEP meeting?

19 A. Did I -- I'm sorry, elaborate what you are asking me.

20 So, you've got concerns that [Plaintiff] is in
21 proximity to [Student X], and now [Plaintiff] is being
22 added -- he's having

23 an entire day of school added to his schedule in
24 which [Student X] is his classmate. During that May
25 29, 2019, meeting, do you recall raising any concerns
 that [Plaintiff] was now going to have an additional
 day to

[Plaintiff]

1 be exposed to [Student X]?

2 A. No. I thought Ms. Peele had handled it, and I
3 thought that's why we were having these progresses.
4 Okay. You used the term earlier, in regards to
5 [Student X], you used the term "grooming." Do you
6 recall that?

7 A. Yes.

8 Q. Okay. Can you tell me what you understand the term
9 "grooming" or "groom" in the context of sexual abuse
10 to mean?

11 A. Well, it's -- it was explained to me by the advocacy
12 center that grooming is when someone that sexually
13 assaults or has wrongful intentions with another
14 person, they get them to trust them. They get them
15 to believe that they are their friend. They get them
16 to believe that they are a safe place or they trust
17 them, they are their friend, or, you know, it's a --
18 it's a way of getting them to be manipulated into
19 doing something with them later on.

20 Q. Do you under- -- is it your understanding that in
21 order -- that in a typical situation that grooming
22 would have a power dynamic, that the groomer would
23 be, perhaps, in a position of greater power than the
24 person being groomed?

25 A. Yes.

[Plaintiff]

1 -- and the playground, no. I asked if -- I asked if
2 Ms. Peele was keeping [Student X] away from him,
3 that's pretty much the extent. I thought it was
4 taken care of.

5 Q. Okay. And you've never met [Student X]?

6 A. No, ma'am. Not that I can recall. I don't -- not
7 that I know of.

8 Q. Has [Plaintiff] ever had a girlfriend?

9 A. Yeah. He has one now, almost an entire year in
10 December.

11 Q. Is that his first girlfriend?

12 A. It is. Her name is [Redacted].

13 Q. Does he go to school with her?

14 No. He did. He met her on the bus. When he come
15 back -- when he came back to city of Kannapolis
16 school system, he was going to the middle school, and
17 that's -- he met [Redacted] when he was attending the
18 middle school.

19 Has he ever expressed interest in another girl?

20 Before he started dating [Redacted], did he ever
21 express interest in another girl?

22 Yeah. There was this girl at [Redacted], her name
23 was [Redacted]. And she had little

24 [Redacted] in her hair, and she had the biggest crush
25 on [Plaintiff], and she'd run up to him and giggle
 with her

[Plaintiff]

1 "Clothes off."

2 Q. Okay.

3 A. And then I kind of didn't want to know more right
4 then. I was just waiting for the call to come in to
5 kind of get more clarification. He didn't really
6 want to talk about it.

7 Q. Did you believe him at that point in time?

8 A. Yes.

9 Q. Okay. And you say Officer Quigley called?

10 A. Yes, sir.

11 Q. Okay. Tell me about the call with Officer Quigley
12 and what happened with Officer Quigley.

13 He said, "Is this -- is this [S.G.]?" And I
14 said, "Yes, sir." He said, "I'm Officer Quigley,
15 detective with KPD or Kannapolis Police Department."
16 And he said, he said, "Ma'am, do you understand the
17 allegations of why I am calling you?" And I said, I
18 said, "No, sir, I don't -- I don't know what --
19 what's going on." And he told me that basically that
20 I needed to take [Plaintiff], that -- in my
21 conversation

22 with Officer Quigley, he told me that [Plaintiff] was
23 the one that had been raped, and I needed to take him
24 for a SANE screen.

24 Q. Okay.

25 A. And that's what I did.

[Plaintiff]

1 take him now." And he said, "They are expecting him
2 to Atrium," to go down to Northeast.

3 Q. And did you take him straight to Atrium?

4 A. Absolutely.

5 Q. Did you bring the clothes that he was wearing when he
6 was home from school?

7 A. He was still in the same clothes.

8 Q. So, that would be yes?

9 A. Oh, yes, sir. He was in the same clothes.

10 Q. Okay. And that's fine.

11 So, tell me what happened when you got to
12 Atrium.

13 We went into the emergency department. They asked us
14 why we were there, and I leaned in, and I said,
15 "Officer Quigley told us that you guys were expecting
16 my son." And they asked me his name, and I said that
17 he was here for a SANE screen. Again, I didn't know.
18 I just knew that -- but Officer Quigley did tell me
19 that he believed [Plaintiff] was a victim in this
20 situation and that he needed to go get a rape kit
done, and

21 that's what he told me.

22 Q. Okay.

23 A. And that was very hard to hear as a mother.

24 Q. Yes, ma'am. I can appreciate that.

25 And tell me what happened at Atrium.

[Plaintiff]

1 those boys were able to get alone in the same vicinity
2 together.

3 There's a lot of things that could have
4 been done differently to protect my son. And that is
5 where I feel Madison Peele is negligent. She could
6 have done more and took this very serious in the
7 matter it was. This was the safety of my child and it
8 wasn't something to be taken so lightly.

9 Her investigating and just say, for
10 instance, if it was true, she went and talked to the
11 boys and they said it was a prank, and then reported
12 back to Principal Seale -- I mean Principal Sain,
13 sorry, that that was the case, that is not her doing
14 her due diligence to find out what was real.

15 I did not get called into a conference.
16 This was not discussed. This was not even brought
17 into light to even have a conversation. It was just
18 I'm going go off what some nine-year-olds say? They
19 said it was a prank and it's over, that's it?

20 **Q. You were called in to two conferences between**
21 **March 21st and June 10, 2019, right?**

22 A. There were no -- I'm sorry. The conferences
23 that I was called in to were referring to the IEP,
24 sir. The IEP, the program that we had in place for
25 [Plaintiff]. Nothing to do with the sexual assault.

1 Nothing to do with the text messages. Nothing to do
2 with anything that was discussed in private with me
3 and Madison Peele on those text messages. Or over the
4 phone.

5 Q. Did you ever raise it?

6 A. It would have been -- my child was in the IEPs.
7 And I was honestly not going to put on blast what was
8 going on in that classroom in front of my child
9 amongst seven other people.

10 This could have been handled in a
11 different way. They could have, I mean, it's just --
12 there's negligence all over.

13 Q. [Plaintiff] was in the IEP meetings?

14 A. Yes, sir. He was in the IEP meetings.

15 Q. Okay. Did you ever talk to him about things
16 that he wants to raise at the IEP or things that he
17 wants to talk about?

18 A. No, sir. He was nine years old.

19 Q. So do you ever talk to him about -- I mean, I
20 know you talked about what's going on in school. I
21 guess I would ask before, I'm asking before an IEP you
22 never talked to him about anything that, you know, you
23 want to bring up, anything you want me to bring up on
24 your behalf, stuff like that. Was that ever
25 discussed?

1 A. This -[Plaintiff], I know you don't know [P]
2 personally, but [Pla.] in his psychological reporting,
3 he has social challenges. He doesn't, he doesn't know
4 how to openly talk about things or things that are
5 bothering him or concerning him and things like that.

6 So [Pla.] would not have requested for
7 to speak^{me} up or say anything during these IEPs about
8 the sexual assault and the things that were happening
9 to him.

10 Q. Did you ever say in one of the IEPs, how are
11 things going in terms of keeping [Pla.] and [Stu.X]
12 separate?

13 A. No, sir. On the record I did not ask that
14 question out loud in the IEP.

15 Q. Because my sense of what you just said is that
16 this was such a serious thing that you think Madison
17 is negligent, because she heard about all this and she
18 didn't care, right? So I'm just asking if nobody else
19 is bringing this up, is there a reason that you didn't
20 yourself bring it up to say, hey, I haven't -- nobody
21 has followed up with this on me. Nobody is telling me
22 what's going on. I don't know if you're keeping [Pla.]
23 and [Stu. X] apart or not. Can you tell me?

24 I'm just asking did you ever do that or
25 did you not do that? I'm not trying to blame you, I'm

1 A. Yes, I do.

2 Q. So was Madison generally keeping you informed
3 as to what was going on with [Pla.] in the classroom?

4 A. Yes. I mean -- yes.

5 But I want to mind you that all of this
6 behavioral stuff did not happen until after [Stu.X]
7 came into the classroom. [Pla.] wasn't -- Ms. Peele
8 and the Trilogy classroom as a whole was not having
9 issues with [Pla.] until the harassment started
10 happening with this other child.

11 Q. So are you saying there's no evidence that
12 [Pla.] had any issues with his behavior prior to
13 January of 2019 when [Stu. X] showed up?

14 A. I'm not saying that he didn't have any issues
15 with his behavior. I'm saying he was not -- he was
16 not over the top.

17 Q. Okay. Then you responded the same day. Your
18 first response says, "great." Then you wrote: His
19 dad bailed on him yesterday for their plans for the
20 weekend.

21 And followed up with, he has feelings
22 about that, maybe your counselor can talk to him
23 today.

24 So it's true that in response to Madison
25 giving you this update about [Pla.]'s behavior, you

1 Q. [S.G.], [S.G], I'm going to just ask
2 you: Did you make any complaints to the school about
3 Madison Peele?

4 A. Did I make any complaints to the school?

5 Q. Yes.

6 A. No, sir. Whenever all this came to light, the
7 investigation started and nobody could talk to anybody
8 in the school system at all --

9 Q. After your text message to Madison on the 21st,
10 did you tell anybody else in the school system about
11 it?

12 A. No. Because she was --

13 Q. Hold on. Do you know what [Pla.] said in his
14 CAC interview two days after this incident when asked
15 about Madison Peele?

16 A. No, sir. I wasn't present.

17 Q. Okay. So you're not aware that when asked
18 about Madison Peele, [Pla.] said that Madison Peele was
19 a great teacher and anybody would be lucky to have
20 her? Did you know that?

21 A. That's great. That's great. I know [Pla.]
22 loved Madison, I know he did. I know he did.

23 Q. That's not what he said in his deposition. In
24 his deposition he said that she didn't care about him,
25 right?